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J. Ray  
C. S.  
3-10-01

Patent Docket P0435P1C7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

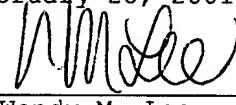
In re Application of  
Jeffrey L. Cleland et al.  
Serial No.: 09/273,230  
Filed: March 18, 1999  
For: PROTEIN FORMULATION

Group Art Unit: 1642

Examiner: Geetha Bansal

**CERTIFICATE OF MAILING**  
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on

February 28, 2001

  
Wendy M. Lee

AMENDMENT UNDER 37 C.F.R. §1.111

Assistant Commissioner of Patents  
Washington, D.C. 20231  
Sir:

Responsive to the Office Action mailed October 31, 2000, reconsideration of the present application is respectfully requested in view of the following. A request for a one month extension and the requisite fee accompany this amendment.

REMARKS

Section 112, first paragraph

Claims 42-29 are rejected under 35 USC Section 112, first paragraph as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner contends that there is no teaching disclosed in the specification of treating or inhibiting the growth of tumor cells or how to set about treating a mammal with a cancer characterized by overexpression of HER2. The Examiner further contends that the specification does not provide a teaching as to what properties of an anti-HER2 Mab would have therapeutic efficacy. Finally, the Examiner takes the position that demonstrating tumor antigen

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